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AO 91 (Rev. 11/11) Criminal Complaint

UNITED STATES DISTRICT COURT

for the

Eastern District of Michigan

United States of America

v.

Jose RODRIGUEZ-HERNANDEZ
a/k/a Edgar Luis Rodriguez-Salinas

Case No.

Case: 2:23-mj-30007
Assigned To : Unassigned
Assign. Date : 1/11/2023
Description: COMP USA V.
RODRIGUEZ
-HERNANDEZ (KB)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of January 6, 2023 in the county of St. Clair in the
Eastern District of Michigan, the defendant(s) violated:*Code Section**Offense Description*

Title 8 U.S.C. Section 1326(a)

Unlawful Reentry Following Removal From United States

This criminal complaint is based on these facts:

On or about January 6, 2023, in the Eastern District of Michigan, Southern Division, Jose RODRIGUEZ-HERNANDEZ, a/k/a Edgar Luis Rodriguez-Salinas, an alien from Mexico was found in the United States after having been denied admission, excluded, deported, and removed therefrom on or about April 27, 2021, at or near Brownsville, TX and not having obtained the express consent of the Attorney General of the United States or the Secretary of Homeland Security to re-apply for admission thereto; in violation of Title 8, United States Code, Section 1326 (a).

☒ Continued on the attached sheet.

Complainant's signature

Mary Riehs, Deportation Officer, ICE

Printed name and title

Sworn to before me and signed in my presence.

Date: January 11, 2023City and state: Detroit, Michigan

Judge's signature

Jonathan J.C. Grey, United States Magistrate Judge

Printed name and title

AFFIDAVIT

I, Mary Riehs, declare the following under penalty of perjury:

1. I am a Deportation Officer employed with Immigration and Customs Enforcement (ICE) of the United States Department of Homeland Security, having served with ICE since July 2020. The facts set forth herein are based upon my personal knowledge as well as information provided by other law enforcement officers and record checks of law enforcement databases. I have also reviewed relevant immigration records and system automated data relating to Jose RODRIGUEZ-HERNANDEZ, which reveal the following:
2. RODRIGUEZ-HERNANDEZ is a forty-nine-year-old citizen and native of Mexico, who last entered the United States on an unknown date, at an unknown place, without inspection by the U.S. Department of Homeland Security. RODRIGUEZ-HERNANDEZ also uses the alias name of Edgar Luis Rodriguez-Salinas.
3. On or about June 29, 2001, Border Patrol arrested RODRIGUEZ-HERNANDEZ in Capac, MI and served him Form I-862 Notice to Appear.
4. On or about February 26, 2002, an Immigration Judge in Detroit, MI ordered RODRIGUEZ-HERNANDEZ removed *in absentia*, after he failed to appear on his court date.
5. RODRIGUEZ-HERNANDEZ self-deported himself from the U.S. at some point during the time of February 26, 2022 - May 1, 2002.
6. On or about May 1, 2002, Border Patrol arrested RODRIGUEZ-HERNANDEZ in Sasabe, AZ and granted him Voluntary Return. Border Patrol removed RODRIGUEZ-HERNANDEZ to Mexico on this same day.
7. On or about May 4, 2002, Border Patrol arrested RODRIGUEZ-HERNANDEZ in Sasabe, AZ and granted him Voluntary Return. Border Patrol removed RODRIGUEZ-HERNANDEZ to Mexico on this same day.
8. On or about June 30, 2002, Border Patrol arrested RODRIGUEZ-HERNANDEZ in Mount Clemens, MI and served him Form I-871 Notice of Intent to Reinstate Prior Order of Removal. On or about July 2, 2002, ICE removed RODRIGUEZ-HERNANDEZ to Mexico.

9. On or about March 18, 2004, Border Patrol arrested RODRIGUEZ-HERNANDEZ in Naco, AZ and granted him Voluntary Return. Border Patrol removed RODRIGUEZ-HERNANDEZ to Mexico on this same day.

10. On or about March 20, 2004, Border Patrol arrested RODRIGUEZ-HERNANDEZ in Naco, AZ and served him Form I-871 Notice of Intent to Reinstate Prior Order of Removal. On or about March 23, 2004, ICE removed RODRIGUEZ-HERNANDEZ to Mexico.

11. On or about October 18, 2005, Border Patrol arrested RODRIGUEZ-HERNANDEZ in Chesterfield, MI and served him Form I-871 Notice of Intent to Reinstate Prior Order of Removal. On or about October 26, 2005, ICE removed RODRIGUEZ-HERNANDEZ to Mexico.

12. On or about March 12, 2006, Border Patrol arrested RODRIGUEZ-HERNANDEZ in Naco, AZ and granted him Voluntary Return. Border Patrol removed RODRIGUEZ-HERNANDEZ to Mexico on this same day.

13. On or about March 31, 2008, Border Patrol arrested RODRIGUEZ-HERNANDEZ in Sasabe, AZ. On or about April 2, 2008, Border Patrol served RODRIGUEZ-HERNANDEZ with Form I-860 Notice and Order of Expedited Removal and removed RODRIGUEZ-HERNANDEZ to Mexico on this same day.

14. On or about October 5, 2016, ICE arrested RODRIGUEZ-HERNANDEZ in Pontiac, MI and served him Form I-871 Notice of Intent to Reinstate Prior Order of Removal.

15. On or about March 6, 2017, the United States District Court Eastern District of Michigan Southern Division convicted RODRIGUEZ-HERNANDEZ for the offense of Title 8 U.S.C. §1326(a) Unlawful Re-entry and sentenced him to 6 months' incarceration.

16. On or about May 19, 2017, ICE removed RODRIGUEZ-HERNANDEZ from the United States to Mexico.

17. On or about June 23, 2020, the 50th District Court in Pontiac, MI convicted RODRIGUEZ-HERNANDEZ for the offense of Domestic Violence (Deferred under the Domestic Violence Act) and sentenced him to 6 months' probation.

18. On or about August 5, 2020, ICE arrested RODRIGUEZ-HERNANDEZ in Pontiac, MI and served him Form I-871 Notice of Intent to Reinstate Prior Order of Removal.

19. On or about March 24, 2021, the United States District Court Eastern District of Michigan Southern Division convicted RODRIGUEZ-HERNANDEZ for the offense of Title 8 U.S.C. §1326(a) Unlawful Re-entry and sentenced him to time served.

20. On or about April 27, 2021, ICE removed RODRIGUEZ-HERNANDEZ to Mexico.

21. On or about January 4, 2023, the Michigan State Police Lapeer Post arrested RODRIGUEZ-HERNANDEZ for Operating While Intoxicated. Case is pending.

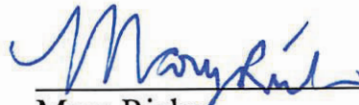
22. On or about January 4, 2023, ICE encountered RODRIGUEZ-HERNANDEZ following an arrest by the Michigan State Police Lapeer Post for Operating While Intoxicated. On this same day, ICE issued Form I-247 Detainer for RODRIGUEZ-HERANDEZ.

23. On or about January 6, 2023, ICE arrested RODRIGUEZ-HERNANDEZ at the St. Clair County Jail in Port Huron, MI and served him Form I-871 Notice of Intent/Decision to Reinstate Prior Order. Fingerprint checks confirmed a positive match for Jose RODRIGUEZ-HERNANDEZ, DOB: XX/XX/1973, AXXX XXX 618, a previously removed alien.

24. The aforementioned arrest and subsequent detention was an administrative, non-criminal action made pursuant to the authority found in sections 1357, 1225, 1226, and/or 1231 of Title 8, United States Code to arrest and detain any non-citizen entering or attempting to enter the United States, or any non-citizen present in the United States, who is reasonably believed to be in violation of any law or regulation regulating the admission, exclusion, expulsion, or removal of noncitizens.

25. A review of immigration records (A #XXX XXX 618) for RODRIGUEZ-HERNANDEZ and queries in U.S. Department of Homeland Security databases reveal that no record exists of RODRIGUEZ-HERNANDEZ obtaining permission from the Attorney General or the Secretary of the Department of Homeland Security to re-apply for admission to the United States following his removal from the United States on or about April 27, 2021.

26. Based on the above information, there is probable cause to believe that, on or about January 6, 2023, in the Eastern District of Michigan, Southern Division, RODRIGUEZ-HERNANDEZ, an alien, was found in the United States after having been denied admission, excluded, deported, and removed therefrom on or about April 27, 2021 and not having obtained the express consent of the Attorney General of the United States or the Secretary of Homeland Security to re-apply for admission thereto; all in violation of Title 8, United States Code, Section 1326(a).



Mary Riehs
Deportation Officer

Sworn to before me and signed in my
presence and/or by reliable electronic means.



Jonathan J.C. Grey
United States Magistrate judge

Date: January 11, 2023